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REMARKS

In the latest Office Action, claims 15, 17-19, 21, 23-24, 26, 30 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. '701 or Johnson et al. '589, each in view of Greenwood. Applicants previously pointed out that in the embodiment of the Johnson et al. references where two or more melt-flowable layers are used, the layer with the **higher melt flow rate** is on **top** of the layer with the **lower melt flow rate**. This is in direct contrast to the sealant and flow control agent combination of the present invention, in which the layer with the **lower melt flow rate** (flow control agent) is on **top** of the layer with the **higher melt flow rate** (the sealant). In order to clarify this relationship between the layers and the substrate, applicants previously amended independent claims 15, 26, 30, 31 and 32 to clarify that the **sealant is in direct contact with the substrate**.

Applicants submit that the previously amended claims clearly convey that the sealant (having a higher melt flow rate) is positioned directly on the surface of the substrate and flows into the gap or cavity of the substrate, while the flow control agent (having a lower melt flow rate) is on the surface of the sealant. This teaching clearly differs from the Johnson et al. references, which teach that their top layer is formulated to have greater melt flow rate than the bottom layer so that upon heating, the top layer will flow and encapsulate the bottom layer. See Johnson et al. '701, col. 17, lines 50-57; and Johnson et al. '589, col. 16, lines 1-7. There is no teaching or suggestion in either of the Johnson et al. references of applying a sealant and flow control agent in the claimed configuration for the purpose of sealing a gap in a substrate.

However, applicants note that in the latest Office Action, the Examiner has repeated arguments from previous office actions, and has not acknowledged applicants' previous amendment which recites the above-discussed relationship between the flow control agent and sealant, and has not addressed applicants' arguments with respect to the previous amendment.

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Rather, the Examiner asserts that the relationship between the layers has not been claimed, when in fact, it has been claimed. See page 5 of the Office Action, paragraph 13.

Applicants submit that the claims as previously amended clearly distinguish over the Johnson et al. references and that there is no motivation to modify the Johnson et al. references to provide a sealant/flow control agent having the claimed relationship. The Examiner cannot ignore those features of the claims which patentably distinguish over the cited references.

Nor can the Examiner ignore the wording of claim 32, which recites a two-layer structure that excludes the additional web, scrim, thermoplastic film, and PSA layers taught in the Johnson references. The claim clearly excludes the use of a three-layer structure as taught in the Johnson references, i.e., two melt-flowable layers with a scrim layer and/or an additional film/PSA layer. While the Examiner now asserts that Johnson et al. teach two-layered structures where no additional layers are needed, applicants submit that such structures are not in the claimed configuration with a flow control agent over a sealant, with the sealant being in direct contact with the substrate.

With regard to the blowing agent taught by Greenwood, applicants wish to reiterate that one skilled in the art would not look to Greenwood, who teach a sealant for providing a waterproof seal in automotive windows, to modify Johnson et al., who are concerned with providing a smooth surface to a substrate. Even if one were to make the proposed substitution, the claims would not be met as Johnson et al. do not teach or suggest the claimed configuration of a flow control agent and sealant. Claims 15, 17-19, 21, 23-24, 26, 30 and 32 are clearly patentable over the cited references.

Claims 28-29 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. '579 or Johnson et al. '701, each in view of Greenwood and further in view of Delle Donne et al. The Examiner has maintained that the term "pocket sealers" does not differentiate the claimed materials from the prior art. However, as previously pointed out, neither Delle Donne nor the Johnson

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references teach or suggest thermoforming their materials into a particular shape, i.e., a pocket sealer, as claimed. Nor is there any motivation to modify the Johnson et al. references to thermoform their melt-flowable layers as the Examiner has proposed. Thermoforming the layers of Johnson et al. into a particular shape would defeat the purpose of having a melt-flowable sheet which, when heated, "conforms to the surface of the substrate." See '701, col. 4, lines 7-8. The Examiner has provided no motivation or reasoning as to how or why one would be motivated to thermoform the sheets of the Johnson references into a particular shape as claimed. Claims 28-29 and 31 are clearly patentable over the cited references.

For all of the above reasons, applicants submit that claims 15, 17-19, 21, 23, 24, 26, and 28-32 are patentable over the cited references.

Respectfully submitted,

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